



## BRIEFING STATEMENT

# BLM-MONTANA/DAKOTAS

BUTTE FIELD OFFICE • 106 NORTH PARKMONT • BUTTE, MONTANA 59701 • WWW.BLM.GOV/MT

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### MONTANA ARMY NATIONAL GUARD (MTARNG) WITHDRAWAL AT LIMESTONE HILLS TRAINING AREA

#### I. SUMMARY:

The Army Corps of Engineers (COE) has filed an application on behalf of the Montana Army National Guard (MTARNG) and the Department of Defense/Army (DOA) to withdraw and segregate from mineral entry approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Mont. The proposed withdrawal is for MTARNG to perform military training exercises and live firing.

#### II. BACKGROUND:

The MTARNG has used the Limestone Hills area since the 1950s under special land use permits. In 1984, the BLM issued a 30-year right-of-way (ROW) to authorize the use. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar, and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, COE experts determined that the area south of the 2.75-inch rocket safety fan was “widely contaminated” with UXO. Based on BLM policy, the Butte Field Office implemented an emergency closure of the impact area. The BLM advised the MTARNG that its ROW for the range will not be renewed upon expiration in 2014, and the appropriate authority for continued military use of the area and transfer of jurisdiction to DOA would be a withdrawal that can only be authorized by Congress.

Continental Lime (now Graymont Western U.S., Inc.) filed mining claim locations on public lands within the ROW area in the early 1980s and has operated a limestone mine at the north end of the range since 1981. In 1992 and 1995, Graymont filed mining plan amendments resulting in an approved expansion of its operations further into the rocket firing fan area. In a memorandum of agreement (MOA) developed in February 2005, the MTARNG agreed to clear UXO from the expansion area so that Graymont could continue mining under the current safety plan. The safety plan has been approved by the Department of Defense Explosives Safety Bureau, which must release the area for mining before the BLM can authorize exploration. Graymont located 36 additional mining claims in September 2003 and in 2006 filed a plan of operations to expand farther south into the training range. The EIS for this expansion was completed in January 2008 and BLM and Montana Department of Environmental Quality signed a Record of Decision on October 7, 2010, approving the Modified Pit Backfill Alternative for the mine expansion. Graymont is concerned that the current rate of UXO clearance may not meet its mining needs, and that the MOA in place may not address current issues in the area. Work continues on an updated MOU.

If Congress enacts legislation to withdraw the area, administration of the land will transfer from BLM to DOA, with ultimate land management falling to the MTARNG (state agency) by lease from the COE. The Montana State Historic Preservation Office and the MTARNG have developed an agreement to address Sec. 106 consultation under state management.

The project legislative environmental impact statement (LEIS) is complete. Alternative 3 is the agencies’ (MTARNG and BLM) preferred alternative. Previous activities included the completion of public scoping for the LEIS, including a working group process, and the publication of a notice of proposed withdrawal in the *Federal Register* on August 7, 2007, which closed the land for up to two years from settlement, sale, location, or entry under the general land laws, including the mining laws. The original segregation period for the legislative withdrawal expired August 6, 2009. A Notice of Proposed Withdrawal and Opportunity for Public Meeting for an administrative withdrawal was published September 28, 2010, to protect the land during the legislative process. This segregates the land for a two-year period during which reports required for the public land order will be prepared. The reports and the public land order package for this withdrawal will be submitted for approval prior to the end of the two-year segregation period. When the public land order is approved, the land will be withdrawn for five years to protect the current uses pending approval of legislation. The land will remain open to mineral leasing.

The LEIS Findings and Recommendations were submitted to the BLM Director April 24, 2009, but final approval rests with Congress. The Notice of Availability (NOA) was published by the military September 30, 2011. Comments received from the public and Graymont after publication of the NOA reflected concern that some of the Findings and Recommendations are now dated. BLM submitted updated Findings and Recommendations in December 2011. Draft legislative language is nearly completed and will soon be started in the surnaming process.

**PUBLIC INTEREST:**

Public interest is high. The withdrawal would affect county PILT payments, current and future mining operations, recreationists/hunters, and could impact several grazing allotments depending on how the management plan for the firing range is structured. Additionally, the validity of some of the mining claims could be affected.

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